



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,099	04/02/1999	RAIMO BAKIS	YO999-046(87	4528

7590

06/06/2002

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/286,099

Applicant(s)

BAKIS ET AL

Examiner

Angela A. Armstrong

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
Richemond Dorvil  
Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant indicates in the request for reconsideration that claims 1 and 9 recite "generating a synthetic waveform for each of the N text sequences" and claim 15 recites "a waveform generator for generating a synthetic waveform for each of the N-text sequences". However, at page 3 of applicant's response to the First Office Action, applicant argues that Hab -Umbach et al does not disclose or suggest a method for rescoring that comprises "generating a synthetic waveform for each of the N-best text sequences (using TTS)" or "generating synthetic waveforms for each of the N-best decoded sequences."

The Examiner contends that the specific features that applicant argues as not being taught by the prior art ("generating a synthetic waveform for each of the N-best text sequences (using TTS)" or "generating synthetic waveforms for each of the N-best decoded sequences" ), is not the specific language of any of claims 1, 9 or 15.

Applicant argues that the preamble should be given patentable weight because the body of the claim depends on the preamble for completeness. The Examiner disagrees and argues that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. In this instance, the preamble of claim 1 indicates that the program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for rescoring N-best hypotheses, clearly indicates the intended use of the program storage device. Similarly, the preamble of claim 9 indicates a method for rescoring N-best hypotheses, clearly indicates the purpose of the method process.

# CSO UPDATE (TC-2600)

Volume 1, Issue 1  
Gen. Edition May 2002

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Function	Quantity Received	Current Turn-around
Faxed Applicant Papers	2,369	2.6 days
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Unresolved Inquiries *	11	—

\*Other \* and "Unresolved" Inquiries are related to a mixture of incoming status letters, e-mails, hand-carries, and other case-tracking and locating of applications (including missing file criteria). The above table is compiled data from Jan. 14, 2002 to April 2002.

questing or service via this CSO in Tech-Center 2600, please contact the Customer Service Concern line at 703-305-1202.

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**TC 2600**

CSO Gen. Info. 703-305-0977

Status Inquiries

Examiner-Related Questions

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**703-872-9314**